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September 26, 1985

ILL. EPA
STATE OF ILLINOISCorporate Offices
350 N. Sunny Slope
Brookfield, WI 53005
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Robert A. Wengrow, Manager
Region 1 Field Operations
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 915
Rockford, IL 61103

Re: Winnebago County: 2010300031
Rockford/Rexnord - Rockford Products Plant 3
ILD 005212097

Dear Mr. Wengrow:

During the meeting on September 23, 1985 attended by David Retzlaff and you, as IEPA representatives, and Phil Carnock, Larry Hammond and Aaron Hardt, as Rockford Products representatives, Rockford Products explained its reasons for maintaining that the seepage pond at its Plant 3 facility is neither an RCRA regulated solid nor hazardous waste surface impoundment. You requested us to confirm those reasons in writing and this letter is in response to that request.

1. As you know, the pond located on the grounds of Plant 3 is operated by us under IEPA Water Pollution Control Permit No. 1984-EO-0221 as a seepage pond, because of the lack of storm sewers in the area. Pursuant to that Permit, we have collected storm water runoff from building roofs, parking lots, adjacent residential property and noncontact cooling water in the pond. We have never deliberately or intentionally disposed of any RCRA regulated solid or hazardous waste in the pond. As you also know, we did locate, after a lengthy search, a sump pump that was occasionally discharging heat treat oil into the pond and that pump was disconnected. However, we have no reason to believe that the oil discharged was an RCRA regulated waste.
2. As you know, since 1983, we have had vapor degreaser operations that pursuant to IEPA Air Operating Permit 81040047 emit 1,1,1 trichloroethane into the outside atmosphere at Plant 3 in a gaseous (vaporous) state. On contact with the

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atmosphere, much of this vapor immediately condenses and falls onto the roof of Plant 3 and the adjacent Rockford Products and residential properties in a liquid state. Although much of this liquid soon evaporates, at least some of the liquid remains on the roof and adjacent properties and eventually is washed into the pond by a substantial rain. We respectfully submit that this IEPA permitted emission of 1,1,1 trichloroethane gas (vapor) is not an RCRA regulated solid or hazardous waste and that its subsequent condensation on the Plant 3 roof and surrounding properties and its ultimate washing into the pond are not an RCRA regulated waste storage or disposal. As we told you at the September 23 meeting, Hillary Sommer at the RCRA Hotline, on advice of a U.S. EPA attorney, informed me that she concurs with our opinion, especially in view of the fact that RCRA does not regulate noncontainerized gases: see 35 Ill. Adm. Code 721.102(b). Ms. Sommer can be reached at (800) 424-9346 or (202) 382-3000.

3. While we recognize that 35 Ill. Adm. Code 721.103(c)(2) relates to solid waste generated from the treatment, storage or disposal of a hazardous waste, we again respectfully submit that its declaration that precipitation run-off is not a hazardous waste supports our opinion that the RCRA regulations do not intend to regulate the gaseous 1,1,1 trichloroethane emitted from our vapor degreasers, the liquid 1,1,1 trichloroethane on our roof and surrounding properties or the 1,1,1 trichloroethane ultimately washed into the pond. Indeed, if the 1,1,1 trichloroethane on the roof and surrounding properties is a "stored or disposed of" hazardous waste, then any precipitation run-off from the roof and surrounding property is specifically declared by Section 721.103(c)(2) to not be a hazardous waste.

As we wrote to Mark A. Haney on May 22, 1985, we intend to cooperate fully with the IEPA regarding the proper regulation of this pond. However, for the above-stated reasons, we again respectfully submit that our pond is not an RCRA regulated hazardous waste surface impoundment.

If the IEPA continues to believe that our pond is an RCRA regulated hazardous waste surface impoundment, we again repeat our request of May 22 for a written explanation from the IEPA of the

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basis for its contention that our seepage pond is an RCRA regulated surface impoundment.

Very truly yours,

Rockford Products Corporation
(a Rexnord company)



Aaron L. Hardt
Environmental Counsel
Legal Department
(414)797-5687

/kk

cc: L. Hammond

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